



Name:
Enrolment No:

UPES
End Semester Examination, December 2024

Course: Digital Business and IPR laws
Semester: Vth
Program: INT-BCOMH-MBA

Course Code: DIGB3003
Time: 03 hrs.
Max. Marks: 100

Instructions:

- Section A, Section B, and Section D – All questions are mandatory to attempt.
- Section C – Question 17 has two options. Attempt any one question from Question 17.
- All answers should be written in a clear and concise manner.
- The duration of the examination is 3 hours.

SECTION A
10Qx2M=20Marks

S. No.		Marks	CO
Q 1	Which of the following would not gain copyright protection? a) A DVD b) An unrecorded speech c) Written lyrics of a song d) A hand knitted jumper	2	CO1
Q 2	What is the duration of copyright protection for a novel? a) A novel will not gain copyright protection. b) The day the author dies c) The end of the calendar year in which the author died. d) 70 years from the end of the calendar year in which the author died	2	CO2
Q 3	Which one of the following actions is not a breach of copyright? a) To import copied CDs. b) To make a copy of a CD and sell it. c) To borrow a CD from a friend and copy it to your laptop for your own private use.	2	CO2

	d) To purchase a CD and copy it to your laptop for your own private use.		
Q 4	<p>Which of the following is not one of the three essential elements for a patent to be granted for an invention?</p> <p>a) Be a product.</p> <p>b) Be new to the public.</p> <p>c) Involve an inventive step.</p> <p>d) Be capable of industrial application</p>	2	CO1
Q 5	<p>Which one of the following statements is true?</p> <p>a) A patent must be registered in order to gain protection.</p> <p>b) Copyright must be registered in order to gain protection.</p> <p>c) The owner of a patent cannot sell it but can prevent others using his invention.</p> <p>d) The definition of an invention is set out in the Patents Act 1977.</p>	2	CO1
Q 6	<p>Which of the following rights is protected under Article 19(1)(a) of the Indian Constitution?</p> <p>a) Right to Equality</p> <p>b) Right to Freedom of Religion</p> <p>c) Right to Freedom of Speech and Expression</p> <p>d) Right to Property</p>	2	CO2
Q 7	<p>Which of the following judgments is associated with defining the scope of Article 19(1)(a) regarding freedom of speech and expression?</p> <p>a) Kesavananda Bharati v. State of Kerala</p> <p>b) Maneka Gandhi v. Union of India</p> <p>c) Shreya Singhal v. Union of India</p> <p>d) ADM Jabalpur v. Shivkant Shukla</p>	2	CO2

Q 8	The Right to Information (RTI) Act was enacted in which year? a) 1995 b) 2000 c) 2005 d) 2010	2	CO1
Q 9	Under the RTI Act, who is eligible to file an RTI application? a) Any citizen of India b) Only government employees c) Any resident of Asia d) Any Indian organization	2	CO2
Q 10	What is the maximum time limit within which the Public Information Officer (PIO) must respond to an RTI request? a) 15 days b) 30 days c) 45 days d) 60 days	2	CO1
SECTION B 4Qx5M= 20 Marks			
Q 11	Explain the Idea-Expression Dichotomy?	5	CO3
Q 12	Discuss the relevant Convention & treaties that are the part of Copyright law.	5	CO2
Q 13	Explain the different facets of Freedom of Press in detail with the relevant provision.	5	CO2
Q 14	Discuss the different restrictions for the Right of Freedom of speech and expression with relevant provision.	5	CO1
SECTION-C 3Qx10M=30 Marks			
Q 15	Analyse the <i>Shreya Singhal v. Union of India</i> judgment in the context of freedom of speech and expression in India. How did it shape the understanding of reasonable restrictions under Article 19(2) of the Indian Constitution?	10	CO2

Q 16	Explain the Historical Development of Copyright Regime in India.	10	CO3
Q 17	Analyze the penalties prescribed under the Copyright Act, 1957 for infringement of copyright. How do these penalties serve to protect the rights of authors and creators, and what challenges arise in their enforcement in the digital age? OR Discuss the relationship between the right to freedom of speech and expression under Article 19(1)(a) and the law of defamation under Article 19(2) of the Indian Constitution.	10	CO1
SECTION-D 2Qx15M= 30 Marks			
Q 18	RC Anand, a film producer, entered into an agreement with Nelux Films for the distribution of his film. The agreement granted Nelux Films the right to distribute the film across various platforms. However, Nelux Films later sublicensed the distribution rights to a third-party company without informing RC Anand. Upon discovering this, RC Anand filed a suit for infringement of his copyright, claiming that his exclusive rights were violated due to the unauthorized sublicensing of the film. a) In the context of the <i>RC Anand v. Nelux Films</i> case, critically examine the issues related to copyright infringement under the Copyright Act, 1957. (5 Marks) b) How does the case illustrate the concept of exclusive rights under a license agreement, and what are the legal remedies available to a copyright holder in cases of unauthorized sublicensing? (10 Marks)	15	CO3
Q 19	Anjali, a young artist, created a series of digital paintings and posted them on her personal blog, showcasing her artwork. A popular fashion website, "TrendSetter," discovered her paintings and used them without permission to create merchandise, such as t-shirts and posters, which they sold on their platform. Anjali discovered this after a few months and decided to send a cease-and-desist letter to "TrendSetter," demanding that they remove the artwork and stop selling the merchandise. However, "TrendSetter" refused to comply, claiming they did not need permission because the artwork was published online and available for public access. Anjali is now considering legal action against the website for copyright infringement. a) Considering the facts of this case, analyze the legal aspects under the Copyright Act, 1957 that pertain to the protection of digital artwork (5 Marks) b) Discuss the rights Anjali holds over her artwork and the potential defenses 'TrendSetter' could raise in response to the infringement claim. What remedies are available to Anjali under the Act, and how should the courts interpret 'publication' and 'fair use' in this context? (10 Marks)	15	CO1

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